

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

---

UNITED STATES

v.

HERIBERTO RUIZ, et al

---

)  
)  
)  
)  
)  
)  
)

CR-04-10176

**ASSENTED TO MOTION TO CONTINUE SENTENCING**

HERIBERTO RUIZ, the defendant, respectfully moves that the sentencing scheduled for June 23, 2005 be continued until after September 1, 2005. As reason therefore, counsel states that MR. RUIZ requires additional time to sell the property located at 226 Essex Street in Saugus, Massachusetts (the "Subject Property") that is the subject of the forfeiture allegation in the Indictment. The Government has lifted the lis pendens on the Subject Property to give MR. RUIZ the opportunity to sell the property on the open market and apply the proceeds to any forfeiture judgment entered against him. Countrywide Home Mortgage, which holds the current mortgage on the property, has informed MR. RUIZ's counsel that it requires additional time to determine whether to permit MR. RUIZ to sell the property for less than its appraised value. Should Countrywide allow such a "short-sale," the parties require time to arrange a closing which must be 30 days prior to sentencing to allow sufficient time for the Government to post the requisite notice of the sale.

In addition, Catherine K. Byrne, counsel for defendant ITZA RUIZ, is unavailable the week of August 15, 2005 due to a scheduled vacation and Stephen Jonas, counsel for MR. RUIZ, is unavailable the week of August 22, 2005 due to a scheduled vacation as well as September 15, 22 and 23 due to scheduled court appearances and prior commitments outside of Boston.

The Government, per Assistant United States Attorney Antoinette E.M. Leoney, and co-defendant ITZA RUIZ, per attorney Catherine K. Byrne, assent to this motion.

HERIBERTO RUIZ

By his attorneys,

/s/ Daniel R. Margolis

Stephen A. Jonas, Esq. (BBO# 542005)

Daniel R. Margolis, Esq. (BBO# 662117)

Wilmer Cutler Pickering Hale and Dorr LLP

60 State Street

Boston, Massachusetts 02109

(617) 526-6000

**CERTIFICATE OF SERVICE**

I, Daniel R. Margolis, hereby certify that a copy of the foregoing document has been served either electronically or by facsimile upon all counsel of record.

/s/ Daniel R. Margolis

Daniel R. Margolis

Dated: June 9, 2005